

Remarks

Claims 40-54, 91-101, 113-116, 122, 125 and 132-137 are pending in this application. Of these claims, claims 40-54, 91-101, 132 and 133 stand allowed. Additionally, claims 113, 115, 134 and 136 stand rejected under 35 U.S.C. Section 103(a) in view of U.S. Patent 4,145,748 to Eichelberger et al.; claims 114 and 116 stand rejected under 35 U.S.C. Section 103(a) in view of the proposed combination of Eichelberger et al. and U.S. Patent 5,994,844 to Crawford et al.; claims 122 and 124 stand rejected under 35 U.S.C. Section 103(a) in view of the proposed combination of U.S. Patent 5,241,139 to Gungl et al., U.S. Patents 6,342,915 to Ozaki et al. and U.S. Patent 5,929,012 to Ishii; and claims 135 and 137 stand rejected under 35 U.S.C. Section 103(a) in view of the proposed combination of Eichelberger et al. and U.S. Patent 6,259,282 to Morris.

Applicant has canceled claims 113-116 and 134-137, thereby removing those issues from the instant application. These claims are canceled without prejudice and may be the subject of a divisional application. In this regard, applicant traverses the rejection of these claims.

Applicant respectfully traverses the rejection of claims 122 and 125 under 35 U.S.C. Section 103(a) in view of the proposed combination of Gungl et al., Osaki et al. and Ishii. Applicant agrees with the Examiner that Gungl et al. does not include the determining and quantifying steps. Applicant disagrees that Osaki et al. has the relevance submitted by the Examiner and disagrees that the proposed combination would be made.

Although Osaki et al. does include a touch panel 22, the language relied on by the Examiner in Osaki et al. to supply the determining step (column 5, lines 56-62) is not directed to the touch panel but rather is directed to an eye tracking sensor. More specifically, image data 28 supplied from a camera 12 on a worker is input from an eye tracking sensor 14a to a point of view monitoring section (see the originally immediately proceeding the information relied on by the Examiner specifically including column 5, lines 43-52).

Applicant submits that the language in Osaki et al. is not relevant to a touch panel 22, that Osaki et al. itself does not in any way apply the eye tracking language to the touch panel 22, and that a person of ordinary skill in the art would not modify or combine the eye tracking of Ozaki et al. into the touch panel 22 of Ozaki et al. without reason to do so. Applicant submits that Ozaki et al. is therefore not relevant to the claimed invention and that Ozaki et al. does not disclose the material or suggest the combination relied upon by the Examiner. Due to these deficiencies, the proposed combination of Gunzl et al., Osaki et al and Ishii does not reach the claimed invention even if that proposed combination could be made.

Applicant further submits that there is no reason to make the proposed combination and applicant submits that a person of ordinary skill in the art would not make such a combination and then modify it to result in the claims at issue without that reason. It is the Examiner's burden to identify such a reason in the cited references and applicant submits that such a reason is not present. Reconsideration and withdrawal of the rejection of claim 122 and 125 is therefore requested.

With the foregoing amendments and remarks, the application is believed to be in condition for immediate allowance and such allowance is requested. If applicant has failed to fully address an issue, the Examiner is requested to contact applicant's representative at the number below.

Respectfully Submitted,



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